Appendix S. Responses to Public Comments

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Appendix S. Responses to Public Comments

A draft of the *South Fork Clearwater River Subbasin Assessment and TMDLs* was available for public comment from June 1, 2003 through July 15, 2003. The draft was distributed for comment to those individuals and entities listed in Appendix R. In addition, the draft was available for review and comment on the DEQ, USEPA and NPT web sites.

Comments received are identified by number of the comment letter as assigned below:

No. 1 – Letter from Dick Wilhite, chair of the SF Clearwater WAG:
"The South Fork Clearwater WAG submits the following public comments on the South Fork Clearwater Sub-basin Assessment and the draft TMDL. These comments were either expressed at the July 1, 2003 WAG meeting or have been submitted by WAG representatives. A list of those in attendance is attached at the end of this letter."

No. 2 – Letter from Phil Jahn, WAG member representing federal land managers:
"This is my response to the South Fork Clearwater River Watershed Advisory Group letter to the Clearwater Basin Advisory Group. The version of the letter we had for review was current as of July 8, 2003. The letter seems to include the individual views of several WAG members and I was unable to provide my comments in time for the July 10 BAG meeting. This represents my input as the WAG representative for the federal land management agencies."

No. 3 – Letter from Kevin Gardes on behalf of the City of Grangeville:
"I am writing to comment on the Draft SF Clearwater River Subbasin Assessment and TMDLs. My comments are on behalf of the City of Grangeville."

No. 4 – Letter from Jane Kissinger, Grangeville City Councilwoman:
"I write this letter to you from the perspective of a citizen in a small community and as a member of the Grangeville City Council. I have served on the Council for 14 years. In that period of time, I have witnessed the closure of the last of our five sawmills, the closure of the Camas Prairie Railroad and the severe deterioration of our economy."

No. 5 – Letter from Jonathan Oppenheimer on behalf of Idaho Conservation League:
"Thank you for allowing us to comment on the water quality assessment and Total Maximum Daily Loads standards (TMDLs) in the South Fork Clearwater River (SF CWR) Subbasin Assessment and TMDLs. The Idaho Conservation League has a long history of involvement with resource management issues. As Idaho's largest state-based conservation organization we represent over 3,000 members, many of whom have a deep personal interest in protecting our water, wildlands, and wildlife from the harmful effects of pollution and watershed degradation."

No. 6 – Email from Bonnie Schonefeld, WAG member representing environmentalists:
"I would like to respond to the public comment draft of the TMDL, and to the letter written to the Clearwater Basin Advisory Group (BAG) by the South Fork Clearwater Watershed Advisory Group (WAG). I was unable to attend the meeting at which that letter was drafted, but would like to add my comments as the environmental representative of the WAG."

No. 7 – Email from Borg Hendrickson, WAG member representing recreation:
"The SF Clearwater WAG's July of '03 letter to the BAG was written without my input, as I was unable to attend the meeting at which it was composed. I would not have concurred and do not concur with some of its contents."
No. 8 – Email from Linwood Laughy, WAG member representing outfitters/guides:
"As a member of the South Fork Clearwater Watershed Advisory Group, I wish to make some remarks regarding the SF TMDL Public Draft."

Comments have been grouped by topic. Comments were copied into the topical area from the letters received. They were copied for the most part on a whole paragraph by whole paragraph basis. Where a part of a paragraph has been extracted to a separate topical area, it is set off by (…) notation.

Process -- General

No. 1
What is the advantage of doing the TMDLs under the MOU? The state should be capable of doing the TMDLs themselves. The state is better able to dialog with the local residents. Local residents would prefer to work with DEQ. The NPT only has jurisdiction within the reservation boundary over a very few miles at the lower end of the SF Clearwater watershed, yet has exerted an inordinate influence over this TMDL. The TMDL itself is probably far more complicated and less likely to be implemented than if DEQ had done it alone.

(***Response:*** This TMDL is written under an MOA with the NPT, USEPA and DEQ because portions of the SF CWR Subbasin are contained within the Nez Perce Tribe Reservation boundary, and the Tribe has ceded territory treaty rights in other areas of the watershed. An agreement was reached whereby the TMDLs would be written cooperatively by the three agencies using the state's processes and water quality standards in order to set aside jurisdictional differences, focus on restoring water quality, and promote support and cooperation among citizens, businesses, and governments.)

One of my main concerns is that if any question of detriment water quality exists, even if it is totally off the wall, the EPA and NPT say it *must* be fixed. There is data within the tables of this draft that is inaccurate. How much data that we are not familiar with is incorrect? We need more than one or two years of data to help set the TMDLs.

Two sets of the TMDLs in this document are being written without clear evidence of impairment to beneficial uses. This reflects the tribal and federal mind set that if any question exists about water quality, then the TMDL must be written, as opposed to a local perspective that TMDLs should not be written unless there is clear evidence of impairment. No matter what people say, TMDLs will result in some level of restriction to private and industrial use of the land, which is not warranted without clear evidence. Especially in an economically depressed area like Idaho County, governmental restrictions simply so bureaucrats can justify their jobs is out of order.

TMDLs need to be set at realistic and attainable levels, so that they can be met without harming the local economy but also help with the water quality. They need to be set so they are easily attainable and then after they have been met and water quality still needs improvement, then reset and try to attain them again, with the least amount of impact to all.

Response: *The three parties preparing this subbasin assessment and TMDLs are well aware of the general process issues raised above. We are legally obligated to write the documents in a particular time frame. In the case of the South Fork Clearwater River Subbasin Assessment and TMDLs, we asked for and received a rare extension of time to complete the process. We have collected far more data, and completed far more analyses than time or resources allow for most TMDLs in the state of Idaho. The courts have made it clear that lack of data is not an excuse for not completing TMDLs. TMDLS must be written with the available data, under the assumption that if and when more data become available, they can be modified. Existing data are used to determine whether impairments exist, using the state water quality standards as the measure.*

Some interpretation of narrative water quality standards is necessary, and it is clear from the comments that some of the TMDLs are not supported by all the WAG members. However, the TMDLs were based on the best available data and followed the state of Idaho's process for meeting CWA requirements. We are aware of the specifics of the concerns expressed above, have examined them carefully, and conclude that the decisions to write the TMDLs in question are reasonable and justified.

Process -- Public Participation

No. 1
Generally speaking, the South Fork Clearwater WAG does not support this TMDL. Generally speaking, this is a dismal failure in the bureaucratic process of using local input on a mandated project to address the water quality of Idaho. As a group, we want to have quality and quantity water. We do not want to see water quality and quantity come before the livelihood of our county.

I have been a member of the South Fork Water Advisory Group (WAG) for nearly two years, attending one meeting each month. I have listened to agency people informing us on temperature, sediment, nutrients, etc. I understood that the group was to make recommendations and have a say in the final decision. Although we as a group have made decisions on several important issues, the agency people have not acted upon those proposals. In fact, when the temperature was found unreasonable to attain, it was lowered another 5 degrees instead of being raised. Even though we have been told that this will be changed when the final document is written, it still appears in the draft. I, again, state that these temperatures are unreasonable and can never be reached.

The WAG has largely bought off, or been worn down, on the need for temperature TMDLs basin-wide even though the Draft TMDL data, both WBAG 1996 and WBAG 2000, show

that all listed water bodies except Three Mile and Butcher Ck. are fully supporting their beneficial uses. The WAG agrees with the need for sediment TMDLs for the lower part of the basin. It is the opinion of the WAG that addressing these areas will likely return all streams in the basin to the full beneficial use support status. Let's deal with the major problems first, the ones people can agree on, and see where we are after that. For plans that are supposedly going to be voluntary in their implementation, it does no good to include issues that are not agreed upon by those who will have to do the implementation.

No. 5
A key element to the success of this proposal is public cooperation and participation. We feel that the success of this TMDL assessment and subsequent implementation would be improved by increased public participation. This concept was given little priority in the draft assessment. The role of the Watershed Advisory Group (WAG) was not clearly defined in the assessment or TMDL. Aside from the WAG, formulating a strategy that involves the greater public would improve the efficacy of the TMDLs through establishing a basis of education, trust, and collaboration.

No. 7
I would have welcomed more active participation by Nez Perce Tribe representatives. According to the Nez Perces' 1855 treaty with the United States, all of the SF Clearwater watershed falls within reservation boundaries. This fact, combined with the fact of the Nez Perces' cultural longevity in the area and the development of their fisheries program in recent years, make Nez Perce involvement in the WAG process pertinent and valuable.

I would like here to add some general comments regarding the WAG process. I think almost everyone WAG members and agency personnel would agree that in some ways, the SF Clearwater WAG process has been, as the WAG letter states, a "dismal failure" in that it became a painful saga of tremendous contention and, at times, even of chaos. I'd like to suggest what I feel would be a better process for future WAGs: I suggest that initial WAG formation and ongoing WAG meetings be conducted by a neutral facilitator who has a strong character and training in group dynamics and methods of mediation. No meetings conducted primarily by agency folks; no WAG member chair; no dominating tactics by vocal WAG members; no side-winding surprises by agency representatives vying for supremacy. But a skilled neutral facilitator. Please.

No. 8
First, I unfortunately find myself in agreement with that portion of the letter from the SF WAG of July 7, and probably only that portion, that referred to the process as a "dismal failure." However, my reasoning is much different than expressed in that letter. I had assumed that the WAG process would present community members with the opportunity for meaningful dialogue regarding the future of the SFCR and with the opportunity to search for creative solutions to problems facing the river, always with the possibility of reaching some consensus in this regard. In these respects, the WAG was indeed a dismal failure.

The draft I have seen of the letter apparently crafted at the July 1, 2003 WAG meeting, which I was unable to attend, does not represent my perspective at all. As stated in that letter, the unchanging position of several WAG members can be summarized as follows:

1. Water quality and quantity are of secondary concern after the economic well-being of the region.
2. The WAG does not want to see any added restrictions on the free use of any part of the entire SF drainage, particularly if such restrictions might cause problems with position #1 above.
3. State and federal water quality standards are too high, can't be met, and therefore are not worthy of pursuit, particularly of course if such pursuit would bump up against position #1 above.

In other words, the basic position of the WAG as stated in the July 7 letter addressing the SF TMDL was not much different than that of the miners who dredged the drainage in the early 1900s.

These three general beliefs were blended with frequently confusing models, sometimes limited data sets, interagency disagreements, masses of confusing information, and behind-the-scenes maneuvering. The failure in the process was not only dismal, it was depressing. And just in case you missed this point: I do not agree with positions 1, 2 and 3 above!

I would finally like to express my appreciation to the many agency folks who tried to accomplish their task of meeting the requirements of state and federal law under what was clearly a difficult situation. While the process was flawed and they didn't always do a commendable job, the challenge was immense and I found them to be sincere in their efforts.

Response: *The watershed advisory group (WAG) was established to solicit input from the wide range of local interests in the South Fork Clearwater River Subbasin. It is unfortunate, but not surprising given the wide range of views represented, that many of those interests are not fully satisfied with the results of the subbasin assessment and TMDLs. We have taken the global mandates of the federal Clean Water Act, coupled them with sometimes ambiguous state water quality standards, considered the WAG's input, and have crafted a plan to restore water quality in South Fork Clearwater River Subbasin. The plan may be imperfect, but we do think it is a reasonable synthesis of all available data and opinions, and a good compromise among the federal, state, local and tribal viewpoints that will meet state WQS. We will recommend to management that a neutral facilitator be considered for future WAGs involving the 3 parties and diverse local interests.*

Process – Economic Analysis

No. 1
Several members of the WAG have asked for economic analyses of the impacts that the TMDLs will have, especially for the changes that will be required of the WWTP. There is a real issue here that should be addressed. Regulations such as those being emplaced by this

TMDL are an economic cost to our community. There is a real fear that our communities are dying economically. Especially if Endangered Species considerations are going to drive decisions within the TMDL, then economic analyses should be required. But even within the CWA process itself, much more attention needs to be given to the economic impacts.

Economic impacts on the public, business and industry should be considered in writing the TMDLs. Without an economy water quality doesn't matter.

No. 4
Grangeville has always been a progressive city and the Council wants to see our city do its part in preserving our environment and protecting our streams. However, it is unfortunate that many of the government environmental regulations placed upon small communities carry a huge price tag and thus place a great financial strain on tight budgets.

No. 7
While the WAG letter states that "As a group, we do not want to see water quality and quantity come before the livelihood of our county," the letter is expressing the opinion only of a majority of our 16-person group. I do not accept "poor economic conditions" as an excuse for pollution. Indeed, I feel that economic "poorness" may be ameliorated by the "richness" of one's environmental surroundings. In other words, I do not agree that Idaho County residents have, under any economic circumstances, the right to pollute, or damage in any other way, the SF Clearwater watershed. Nor do I believe they have the right to ignore needed improvements.

However, if we wish to talk of economics, I'd like to remind the reader that according to an economic survey done in 2000 for the Kooskia Chamber of Commerce, the Idaho Department of Commerce economic figures for recent years show that, second only to timber, tourism is a powerful engine in central Idaho's economy. Removing federal dollars from the picture, agriculture sits third in the list of mainstays in the area's economy. Tourism flourishes here primarily because of the quality and beauty of our natural environment. In light of the already existing lucrativeness of tourism in our area, the exceptional potential for growth in tourism, and the already heavy use of the South Fork by local recreationists, I find it extremely narrow-sighted for some WAG members to have stated at meetings that asking even one cattleman to go to the expense of putting up a fence to limit his cows' access to the stream is asking too much. The spirit of this statement apparent in the WAG letter is inappropriate.

According to recently published figures, Kooskia alone reaped $3 million in economic benefit from one (2001) salmon-steelhead fishing season. If we wish to put economics first, these figures point directly to the importance of maintaining high water quality in order to support fish survival. We have, according to a fisheries study presented to the WAG, seven sensitive, threatened and endangered fish living part of their life cycles in the SF Clearwater watershed, the one watershed in Idaho pointed to as the habitat with the greatest potential for supporting species recoveries. I favor any restrictions on any sector of the SF Clearwater drainage that does support that survival and any TMDL targets that do support that survival.

I find no standards or targets in the TMDL, excepting where they may be more stringent, that will negatively and/or drastically impact the socio-economic situation in Idaho County. Nor do I feel that we need to conduct an economic impact study. We know what we need to know: streams in the watershed are impaired and it's up to us to improve them. An economic impact study would be irrelevant to the focal issues: impairment/improvement.

No. 8
I would be remiss if I did not challenge the frequently expressed belief at WAG meetings that Idaho County's economic lifeblood is logging and agriculture, since this position appears to underlie a significant part of the objections to the TMDL. Contrary to the statement expressed by the WAG's tourism representative that "you can't make any money cleaning toilets," travel and tourism play a significant and growing role in the economy of the state, of north central Idaho, and of Idaho County. For example, in some recent years total sales in the travel and tourism sector have exceeded the sales of all agricultural products on both a county and regional basis. To ignore the economic advantages to the county and region of clean and plentiful water in our rivers and streams is a grave mistake. Even beyond the major economic impact of travel and tourism, many people in today's world of telecommunications select the area in which they choose to live and work based upon the quality of the nearby environment, with particular emphasis on clean air and water. Many of these potential newcomers can bring with them small businesses, retirement income, and the strong probability of an expanded tax base.

On a related note, I recall in the early 1970s during the implementation of the Wild and Scenic Rivers Act in Idaho County that a common local opinion was that the land along the Middle Fork of the Clearwater River would become worthless because of government regulations on land use. Today the highest priced land in the county is that within the scenic easement boundaries.

Response: *We agree with the general concept that economic impacts should be factored into decisions on how to address environmental problems. In theory, the subbasin assessment and TMDL development should concern itself primarily with the technical question of whether waters are polluted and how much the pollutants need to be reduced for the waters to meet water quality standards. The economic questions should come during implementation when decisions are made of how to reduce the pollutant loading. In reality, however, the development of the subbasin assessment and TMDLs is not a purely technical problem and requires numerous decisions that take into consideration political, social and economic interests. We think we have been sensitive to these interests, through interactions with the WAG and others, and have attempted to structure the TMDLs so they do not limit options available for reducing the pollutants.*

We are obligated to write subbasin assessments and TMDLs within the framework of state and federal regulations. None of the rules or regulations under which these TMDLs were developed includes any consideration of economic factors or analyses as a component of the TMDL process. In the current climate of limited government finances and a court-ordered time frame for completing the TMDLs, the option of

economic analysis was not available, nor is it clear that the results could influence TMDL targets.

Process – Effects on Grangeville

No. 4
I would like to see some tolerance extended to small communities. It stands to reason that costly solutions to environmental problems require an increase in taxes and water and sewer rates. Our citizens must bear the brunt of these expenses at a time when Grangeville and all of Idaho County are experiencing economic depression and high unemployment.

I feel some slack should be give to small towns in meeting environmental quality standards. If not, we may end up protecting water quality and fish habitat while destroying the quality of life for human beings.

The Grangeville city Council has been forced to authorize the expenditure of thousands of dollars for water and fish studies on Three-Mile Creek to try to protect our rights – thousands of dollars our city budget can ill afford. Therefore, I hope you will:

1. Carefully consider the points made by Kevin Gardes, P.E., of Kimball Engineering – the engineer conducting our water study.
2. Grant consideration to Grangeville and other small communities who are facing additional financial stress from government imposed environmental regulations.

Response: *This subbasin assessment and TMDLs have identified temperature and nutrient problems with the city of Grangeville WWTP, and as a permitted point source, the city is under pressure to deal with the problems. The possible solutions to the problems and the time frames for implementing those solutions do appear limiting in light of the technical complexity and economics of the situation. USEPA, DEQ, and the NPT have let it be known that they understand the need for time to develop and implement possible solutions. We are committed to working with the city and their engineers to craft a viable strategy for addressing the problems, and have adjusted wasteload allocations for nutrients based on comments from Kevin Gardes, Kimball Engineering. We commend the city in their efforts to work with us in the development of the TMDLs and look forward to continued constructive engagement between the city and agencies as we look for viable means to bring Threemile Creek up to state standards.*

Process – Combining TMDL and IDWR WAGs

No. 1
It has not been easy to keep the IDWR water planning process separate from the TMDL water quality process with respect to the understanding of the WAG members. While it may seem like an efficiency of effort to have the same WAG for both processes, many of the WAG members see them as the same water planning process, implying that they probably should be combined in some way.

Response: *The TMDL process took longer than expected, thus overlapping the timeframe set up for the WAG to work with the IDWR water planning process. The resultant effort to work on both processes at the same time was confusing because they do raise many of the same issues. The WAG's recommendation of combining the two processes will be forwarded to program staff of DEQ and IDWR for consideration.*

Process – Address Aesthetics

No. 7
… Also, I recommend that a means be found to address watershed "aesthetics" in the TMDL process.

Response: *We appreciate the concern about watershed aesthetics, but the TMDL process by law can only address loading of pollutants to surface water. It is our expectation that when streamside vegetation is reestablished to a state somewhat resembling its natural condition as a result of implementing the sediment and temperature TMDLs, aesthetics will be improved.*

Water Quality Standards -- Temperature

No. 1
Since November 2001, the WAG has heard presentations by the agencies, and the WAG has repeatedly informed the agencies of unrealistic water quality standards. The natural water temperature exceeds the WQS. Streamside shade restoration will not make the impact necessary to lower the temperature. We have heard of fish populations, in streams like Three Mile Creek, where there was never factual data to support such classifications. The list of unattainable water quality standards does not end here. The agencies need to work more with the community to reach attainable standards, those that will not be negatively and drastically impacting the socio-economic impacts of Idaho County.

The Water quality standards are unrealistic for the South Fork Clearwater drainage. The 'natural' temperature presently exceeds the WQS. The agencies have acknowledged that fact, and have commented the human cause components will be the targets.

… In fact, when the temperature was found unreasonable to attain, it was lowered another 5 degrees instead of being raised. Even though we have been told that this will be changed when the final document is written, it still appears in the draft. I, again, state that these temperatures are unreasonable and can never be reached.

The state's water temperature standards are almost too bizarre for words. We have numeric temperature standards which everyone agrees are unrealistic and largely unattainable. So, in order to address this problem, the state inserts language in the code that we only have to deal with the human caused part of heat loading in the TMDL. But the point sources such as the WWTPs still have to deal with the unrealistic numeric standards. We clearly need some

temperature standards that relate directly to natural conditions and the needs of the fish in the waters being considered.

No. 7
First, I have throughout the WAG process understood that implementation of proposed improvements involves "moving towards" targets, making genuine attempts towards improving water quality. Therefore, I have no objection to temperature targets that some people consider unachievable.

Response: *The agencies recognize that there are in fact problems with existing temperature criteria. Much time and effort has been spent over the last few years trying to develop temperature criteria that work better. USEPA has issued new guidance for temperature standards for Washington, Oregon, and Idaho. The temperature standards issues have been a major stumbling block in the development of these TMDLs, partly because they changed in the middle of the process, but also partly because the numeric criteria are probably cooler than stream temperatures would be naturally in lower elevation streams in the absence of man's influence.*

In the end, however, the nonpoint source temperature TMDLs are written based on the simple premise of returning stream and river shading to its natural level. It is assumed that human disturbance of natural stream shading is a major source of increased heat loading that is human caused and is the most easily remedied. Stream widening also increases heat loading and may be due to human activities, but making channel modifications is typically more difficult and expensive. The targets of all of the nonpoint temperature TMDLs are set in an attempt to return stream shading to its natural level. These targets are reasonable and attainable. They are expected to restore full beneficial use conditions of the streams, even though the stream temperature under those more natural conditions is not currently known.

The discrepancy between the target base for nonpoint vs. point sources in this TMDL is real, as noted by the commentor. The Grangeville WWTP is the only point source with a significant heat load problem. We were unable to develop an acceptable estimate of natural stream temperatures for Threemile Creek. In the absence of reliable site-specific temperature data, the wasteload allocation is based on the numeric temperature criteria, with the provision that Grangeville can increase stream temperature by 0.3^{o}C above these criteria. This approach is consistent with the most recent guidance for establishing point source allocations, but we realize that if natural background temperatures are somewhat higher than the current criteria, this results in a very conservative estimate of the needed heat load reductions by the Grangeville WWTP.

Beneficial Uses – General

No. 1
The WAG has largely bought off, or been worn down, on the need for temperature TMDLs basin-wide even though the Draft TMDL data, both WBAG 1996 and WBAG 2000, show that all listed water bodies except Three Mile and Butcher Ck. are fully supporting their beneficial uses.

Response: *An issue throughout the assessment of sediment and nutrients in this document has been the question of what constitutes impairment of beneficial uses, particularly impairment of the salmonid spawning beneficial use. The Idaho water quality standards leave considerable room for interpretation. DEQ utilizes the WBAG methodology to provide such interpretations. However, the three parties were not able to reach agreement in all cases on the interpretation of WBAG results. TMDLs were only written for waterbodies for which all three parties could agree.*

Beneficial Uses – Endangered Species

No. 1
Endangered species considerations have greatly influenced the actions of the government agencies involved with this TMDL, yet there evidently is no authority for them to be doing so under the Clean Water Act. Salmonid spawning is occurring throughout the upper basin above Harpster, by general consensus of the Fisheries Technical Advisory Group and reported in this TMDL. There should be no question of full-support status for all streams above Harpster given the fish populations that exist up there. The fact that they are not adequate for some tribal needs, or some vague plan by NMFS, should not be construed as evidence that water quality, as envisioned under the Clean Water Act, is not being attained.

No. 2
The fish species currently listed under the Endangered Species Act were discussed during the TMDL process. They must be considered in the context of the South Fork Clearwater River subbasin. However, there is no evidence to suggest that ESA-listed species greatly affected the draft TMDL, as indicated in the WAG letter.

No. 6
The WAG letter draft that I saw indicated that ESA listed species greatly affected the draft TMDL. The WAG and agencies did discuss species listed under the ESA. The ESA is the law and must be considered in this basin. However, at no time did I feel that the species listed under the ESA was the driving force behind the draft TMDL, nor do I feel it had any great impact on the draft. In fact, my concern is that not enough significance was given to listed species nor to the fact the SF CWR has the greatest habitat potential in the state for species recovery. The DEQ should be striving to attain the highest possible water quality and habitat in this basin, not the lowest quality capable of sustaining minimum numbers of the species.

Response: *The issue of habitat for endangered species, especially spring chinook and steelhead, has been a major consideration throughout the deliberations for this*

document. The targets of the most relevant TMDLs, sediment and temperature, were derived from existing Idaho water quality standards. These standards are established to fully support cold water aquatic life and salmonid spawning. Some of the salmonid species intended to be protected by these standards are threatened or endangered species under the ESA. While it is expected that these TMDLs will be an important step in improving water quality conditions for these species, the targets and goals within the TMDLs reflect what is needed to achieve Idaho's WQS, and have not been further modified simply because some of the salmonid species in the subbasin are listed under the ESA.

We have reached compromise agreements among the agencies for this subbasin assessment process to move forward. As with any compromise, there are parties on both sides of the issue, as shown in the comments. We have given full and fair consideration to endangered species within the requirements of the CWA and Idaho's water quality standards.

Beneficial Uses -- Threemile Creek

No. 1
…We have heard of fish populations, in streams like Three Mile Creek, where there was never factual data to support such classifications…

Three Mile Creek (Grangeville Wastewater Treatment Plant) is a terribly big issue. We loudly disagree with the draft on this issue. We as a group voted to take the salmonid spawning issue off the creek above the falls. An ironic situation is involved with this creek. If the WWTP puts their water on the land in the summer, the creek will be dry below the plant and there will be no water to test! Where is the thinking here? Do you want water or do you want NO water?

Motion on November 20, 2002: That we change the beneficial use status of Three Mile Creek, above the falls at sk 9.5, from salmonid spawning to cold water biota. Vote: In favor (14) Opposed (0)

No. 3
Page 29, subsection entitled *Threemile Creek*: The third sentence states "Adult steelhead have been observed during the past in the segment of the creek flowing through Grangeville (BLM 1999)."

It is our understanding that this sentence comes from Craig Johnson (BLM) and is based on anecdotal evidence. The statement about steelhead evidently comes from a conversation that Daniel Stewart (IDEQ) had with a former USFS-Moose Cr. ranger district fire type, Mark Woods (currently Fire Warden, Southern Idaho Timber Protective Association, McCall, ID, 208-634-2268), that was cited by Mr. Johnson. Mr. Stewart recently tracked down Mr. Woods to verify the account. The person who caught the fish was Bruce Fulton and it was in the early 60's. The fish was purported to be 18" in length. The fish was found in the Creek after high water went down. This fish likely was washed out of someone's pond along the

creek. The fish was not identified as a steelhead. In previous studies on the Creek, other rainbow trout in this size range (this size being the upper end) have been found in Threemile Creek. It is our understanding that there is no way that a fish in the 18" size range could be conclusively called a steelhead without further evidence, which to our knowledge does not exist. We request that any reference to finding steelhead in the upper portion of Threemile Creek (above the migration barrier – chute/falls) be removed from the TMDL.

The City of Grangeville is actively pursuing reclassification of the upper portion of Threemile Creek from salmonid spawning to year-round cold water biota. The City hired EcoAnalysts of Moscow to perform fish survey work, including characterization of a potential migration barrier on Threemile Creek. This work is being done in consultation with IDEQ-Lewiston. A full migration barrier has been identified. Previously, portions of the fish survey and barrier characterization report have been sent to Tom Dechert in draft form. A full report will be submitted in the near future to IDEQ. Recent electrofishing activities on Threemile Creek revealed some adult rainbow trout, but no young of year trout (none were found that would have shown spawning activity in the last 2 years). In other words a viable (reproducing) population is not present in the upper portion of Threemile Creek. This ongoing work should be identified in the TMDL, to give a link back to the TMDL in the future when reclassification is completed.

The City of Grangeville recently completed a survey of local landowners in the Grangeville area (upstream of the WWTP) that have ponds in the near vicinity to Threemile Creek, and that have been stocked with fish in the past. I am attaching an e-mail from Ken Gortsema, Public Works Director in Grangeville that indicates the results of the City's survey. (*The email is not copied into this TMDL document because it contains personal information of landowners. It is available for review at the DEQ office in Lewiston.)* As you can see, there are a number of ponds that have been stocked with rainbow trout that overflow into Threemile Creek. The occasional rainbow trout that turns up in previous electrofishing activities is almost certainly a result of escapees from one of the ponds identified.

Response: *Salmonid spawning is one of the designated beneficial uses in the Idaho administrative rules for Threemile Creek (IDAPA 58.01.02.120.07). The point of these comments is that salmonid spawning in not a beneficial use of Threemile Creek; that in fact its highest beneficial use is cold water aquatic life. The conclusion is that the salmonid spawning designation in the administrative rules is incorrect and needs to be changed.*

It is beyond the scope of the subbasin assessment to change a designated beneficial use, especially if that change is to downgrade the use designation, as changing the beneficial use from salmonid spawning to cold water aquatic life would be. The only tool available for downgrading a beneficial use designation is the Use Attainability Analysis (UAA). A UAA pulls together all the information to justify the use change, which will then be moved forward through the administrative rule making process, approval by the state legislature, and final approval by USEPA. Some of the comment provided comes from the UAA process that has been set in motion to try to change the beneficial use designation for Threemile Creek.

It is unknown at this time whether the UAA and subsequent steps will result in an eventual USEPA approved change to the Idaho administrative rule designation for Threemile Creek. In the meantime, the subbasin assessment and TMDL loading analyses have been developed based on the current designation. We have no authority to do otherwise, except to defer the development of the TMDL altogether, which is strongly discouraged under current guidance for TMDL development in Idaho. At whatever time it is known that the UAA/rule change has been successful, the waste load allocation for the WWTP will be adjusted accordingly. In the meantime, the City of Grangeville is encouraged to begin considering options to reduce heat loading to Threemile Creek. This TMDL does not stipulate or advocate any particular solution for the WWTP, including land application; only that the City of Grangeville begin looking for ways to deal with the problems their WWTP effluent is causing in Threemile Creek.

It seems prudent to develop the temperature TMDLs based on the salmonid spawning beneficial use as an indicator to the city of Grangeville and landowners along Threemile Creek of the magnitude of water quality degradation from both nutrients and temperature. Planning needs to take place to come up with measures to correct the problems. There are both point source and non-point source contributions to the problems, and the solutions may be complex and a long time in coming. From the water quality point of view, there is no reason to delay identifying the problem in general terms, and encouraging the development of solutions.

Pollutant Sources – CAFOs

No. 1
This document states that Confined Animal Feeding Operations (CAFOs) are a point source and also a non-point source. There are no outright CAFOs (as per CAFO definition) in this sub-basin, but there are small animal feeding operations.

On page 212 the TMDL states that CAFOs are common in neighboring areas. This is untrue!! Most of the last paragraph should be taken out!!

Response: *We appreciate these inconsistencies being brought to our attention and have made the corrections.*

Nonpoint Sediment Sources – Roads

No. 1
The major contribution of sediment in the drainage is from the roads. At this time, the road district will have to explore options on how to make a reduction in the impact. At this time, there are limited alternatives.

If there is a reduction in sediment loading from the roads, ultimately the temperature will also decrease. At this time, the road district will have to explore options on how to make a reduction in the impact. Again, there are limited alternatives.

No. 7
The major contributor to sediment in the watershed is not roads, as the WAG letter states, but, as I understand the information presented to us, agricultural run-off. Further, to address the sediment issue, as the letter does, by complaining "there are limited alternatives," reflects an attitude that can only negatively impact the watershed. I am glad that the TMDL has been written, that it has, in effect, pushed through at least some of the wall that such an attitude erects.

Response: *Roads probably are the major source of sediment in the forested part of the subbasin, while agriculture is the major source in the non-forested part. For roads that fall under the jurisdiction of the Forest Practices Act, a large number of BMPs have been developed to address sediment. The federal management agencies have developed additional BMPs for roads on their land. For county roads, especially those running through agricultural lands, economically viable sediment reduction BMPs are much harder to come by. We look forward to working with the road districts as they begin examining their alternatives.*

Nonpoint Sediment Sources – Suction Dredge Mining

No. 1
Suction dredge mining: Current federal regulations from the Idaho Water Rights Board address suction dredge (recreational) mining. There is not a significant impact on sediment with current operations, as being federally regulated. Therefore, the South Fork Clearwater WAG is in agreement with the comments on pages 99 and 100 (3.1- Sources of Pollutants of Concern/Suction Dredge Mining).

No. 2
The Idaho Water Resources Board does not set federal regulations for suction dredge mining, as stated in the WAG letter (no. 1). They have oversight responsibility for the Idaho Stream Alteration Act that does affect suction dredge mining. There are separate federal mining regulations that apply to suction dredging on federal lands.

No. 6
On Page 100 of the draft TMDL state that "...dredging is only allowed from July 15 through August 15 each year, in order to avoid periods when chinook, cutthroat, and steelhead are spawning and eggs are incubating." It also mentions that the USFS has received three applications to operate suction dredges for larger scale operations who propose to operate dredges larger than 5 inches. One application is for year round dredging in Red River, another is for operation July-October on the SF CWR. Issuing permits for these time frames would be inconsistent with the need to avoid spawning and incubating time periods.

Response: *We understand and appreciate that these comments are supportive of the TMDL as it addresses suction dredging. The comments identify regulatory agencies that need to be aware of controls established by Idaho's water quality standards.*

Nonpoint Temperature Sources -- Roads

No. 1
If there is a reduction in sediment loading from the roads, ultimately the temperature will also decrease. At this time, the road district will have to explore options on how to make a reduction in the impact. Again, there are limited alternatives.

Response: *We certainly agree most of the BMPs as we know them that would reduce sediment from roads will also result in reducing temperatures.*

Missing Data

No. 8
A second concern relates to the need for additional data in several areas with which to make wise, scientifically-based decisions. The lack of adequate data was a problem throughout the WAG process. The TMDL mentions the need for additional data, but treats this topic very lightly.

Response: *We agree that filling data gaps is an important consideration. Additional discussion of data gaps and the need to fill them has been included in Section 5.5 Implementation Strategies. It is expected that more detailed plans and commitments to collect this data will be included in the Implementation Plan, and we encourage stakeholder participation in its development.*

Delisting Proposal – Sediment

No. 1
As a group, we voted to take sediment off the list of problems above the Mt. Idaho Bridge. The agencies came back and told us that that was done. ONLY now sediment is listed for all the tributaries into the main South Fork, so what did we actually accomplish? The SFC WAG voted no on sediment TMDL above the Mt. Idaho Bridge.

Motion on November 20, 2002: That with the additional data received today that the WAG move to remove all streams (from the 303-d list) above Harpster Bridge, with the exception of Beaver Creek in the upper reaches, that would have been listed for sediment on the 1998 WBAG.
Vote: In favor (11) Opposed (3)

Motion on May 21, 2003, to clarify the November 20 motion:
That the tributaries as well as the main stem of the South Fork of the Clearwater be removed from the sediment TMDL, above Harpster Bridge, with the exception of Beaver Creek.
Vote: In favor (8) Opposed (2) Abstain from the vote (2)

No. 5
We understand the need to assess this watershed and set TMDLs based on state regulations and the best available data. We feel, though, that insufficient discussion and evidence was given to support the decision to delist the eight streams for sediment. Habitat for fish and macroinvetebrates have been degraded for decades by human activities and should not be further compromised through more lenient restrictions on development.

There was insufficient discussion in the SBA concerning the delisting of the many tributaries in the upper main stem of the SF CWR. The statements and comments that were in the report regarding the delisted streams were not clear and were not well organized and documented. A more complete and succinct summary of the rationale for delisting the tributaries of the upper SF CWR should be provided to the public and also be made available for comment in a supplementary document.

Response: *This TMDL is not the official proposal to delist these tributaries, which will occur during the 2004 Integrated Report process, in which the 303(d) list is established. We appreciate the comments we received on this issue, but encourage you to submit your comments on these issues during the 2004 listing process.*

Sediment as represented by total suspended solids, cobble embeddedness, pool frequency, pool volume, and turbidity all have an effect on the ability of fish and macroinvertebrate species to survive, spawn, migrate, and seek habitat. A high amount of fine sediment decreases interstitial space on the stream bed and thereby decreases the dissolved oxygen concentrations along and in the stream bed. Habitat for smaller fish and other species becomes filled with fine sediment, thus decreasing species diversity and abundance.

Of the streams on the 303(d) list for sediment, only three are proposed for TMDLs for sediment. All of the streams that are being delisted for sediment pollution are also classified for salmonid spawning and secondary contact recreation, both of which depend largely on the levels of sediment in the water and along the beds of these streams. Sediment loads should not be defined based solely on turbidity, but as a combination of turbidity and cobble embeddedness, especially in the portion of the SF CWR subbasin above Harpster. The Water Body Assessment Guidance does not restrict the assessment of impairment for sediment to a limited amount or type of data. Inclusion of additional data in assessing the streams proposed for sediment delisting may convey that they are impaired, do not meet beneficial use of salmonid spawning, and should be provided for public comment.

Discussion concerning the degree of cobble embeddedness needs to be included in the SBA and deserves to be included among the criteria for sediment TMDL development. Cobble embeddedness is used throughout much of the Pacific NW as an indicator of management-related sediment impacts in streams, with high cobble embeddedness levels associated with declines in salmonid spawning activity. There needs to be a discussion of the importance of the cobble embeddedness and percent fine sediment data and how it can affect the vitality of fish and macroinvertebrate species. The assessment and TMDL gives poor indication that the tributaries to be delisted are not free from impairments and pollution from sediment. Rather, in the assessment the main rationale seems to be based on assumptions that all of the

SF CWR sediment problems would be resolved by reductions in lower parts of the subbasin. Also, the assessment and TMDL do not indicate that the beneficial uses are being entirely met. Salmon once flourished in the SF CWR and tributaries. Due to habitat degradation and the effect of dams and pollution, and other developments their populations have decreased drastically. Now they exist in these streams in smaller populations and with less vigor because the habitat is not optimal for their existence. A basic first step to improving salmon habitat would be to set stricter TMDLs for sediment in order that pool frequencies increase and cobble embeddedness decrease.

In the TMDL section for Total Suspended Solids and Bedload Data, it was indicated that some of the data, due to spatial and temporal diversity, were difficult to use for subbasin analysis. More data needs to be collected while other parameters and indicators (percent fine sediment, pool frequency, pool volume, and cobble embeddedness, total dissolved solids, Wolman pebble count) need to be given a more complete analysis, especially in streams above Harpster. In order that a more thorough description of the subbasin be developed, we recommend that assessments be based on data sets that were developed over multiple sessions of sampling throughout various times of the year at a diversity of sites. In addition, consultations with the US Fish and Wildlife Service and the Idaho Department of Fish and Game would increase the value and usefulness of your assessment and inventory of fish species and habitats.

We suggest that TMDLs for sediment be set for the streams and main stem of the SF CWR and subbasin above Harpster. Cobble embeddedness surrogate targets below 20-30% should be set in salmon rearing habitat depending on channel type. Targets should be set on reference conditions for cobble embeddedness, percent fines by depth, and pool volume. Surface fine sediment should be less than or equal to 20% in spawning areas. There should also be an objective set for an increasing trend in residual pool volume. The current proposal is not only ignoring the full scope of sediment problems in the subbasin, it is also inconsistent with the management objectives of the Nez Perce National Forest, the National Oceanic and Atmospheric Administration – Fisheries consultation for the Endangered Species Act, and designation by the state as a Special Resource Water.

No. 6
I strongly object to delisting any of the tributaries or upper main stem of the SF CWR for sediment. While the lower SF CWR has greater sediment from ag lands, the upper SF CWR does have significant sources of sediment that could be addressed in the implementation plan. Also, the upper SF CWR has the highest percentage of critical habitat for spawning spring/summer chinook and steelhead which should carry greater weight in the equation. All of the listed streams had high cobble embeddedness numbers that support listing.

Much discussion was given to various testing numbers and the validity of one scientific method of measuring or another. I have been kayaking the SF CWR, all of it above Harpster, for over 20 years and I don't need a test to tell me that there is a problem with sediment. I can see it with my own eyes every time I boat this river.

No. 7
I do not concur with some WAG members' contention that we ought to have delisted any 303d listed streams in the watershed. Indeed, I feel we ought to have added some.

I would like to have seen greater, consistent attention given to studying cobble embeddedness and stream flow and recommend that thorough, consistent data be built in these two areas for future use. Also, I recommend that a means be found to address watershed "aesthetics" in the TMDL process.

No. 8
In terms of the TMDL itself, I have concerns about the proposed delisting for sediment of 7 SF tributaries. If the SF mainstem has sediment problems throughout much of its length, at least some of this sediment must be coming from its tributaries. Further, all of these same streams exceed water quality standards for temperature, and temperature is negatively impacted by sediment. It thus seems unwise to leave unaddressed the issue of sediment in these 7 streams. Cobble embeddedness as it relates to salmonid spawning adds to my concerns in this area.

Response: *The final document has been changed such that delisting of tributary streams above Harpster is not being recommended as a conclusion. It has been concluded that the delisting recommendations are properly a function of the integrated listing process within which the 303(d) list is created, the next cycle for revision occurring in 2004.*

Consistent with the state of Idaho guidance for pollutant assessment related to the development of TMDLs, we have collected and analyzed all of the available and pertinent data. We solicited a wide range of professional opinion. We drew our conclusions based on the totality of the data and professional opinion. The volume of available information is huge, much of which is presented in the subbasin assessment. Idaho's narrative standard for sediment requires the use of best professional judgement, based on all the information.

As the public comments reflect, there is not any broad agreement on 1) the definition of beneficial use impairment, 2) how to measure whether sediment is impairing beneficial uses, and 3) how to weigh different measures against each other within the state water quality guidance. In the South Fork Clearwater River Subbasin, these questions are confounded by impacts on beneficial uses of elevated stream temperatures. The BURP/WBAG information, the Fish TAG information, the sediment budget information, the reference watershed information, local users information, and technical literature information all address these issues in different ways. In the final analysis, the three parties weighed all of the available data, information and input from the WAG and resource professionals in relation to the state water quality standards. The parties could not agree on the need to write sediment TMDLs in the upper tributaries, but did agree to write sediment TMDLs for the mainstem South Fork Clearwater River, as presented in the final TMDL.

TMDLs – Grangeville WWTP

No. 1
The Grangeville wastewater treatment plant's requirements to land apply their waster water will greatly reduce and sometimes totally eliminate the flow of Three Mile Creek. What sort of impact on water quality is that? That is not considered. Also, what economic impact is it on the City of Grangeville?

Response: *There is no requirement in the TMDL for the Grangeville WWTP to land apply their waste water. That possibility has been under discussion, was overstated in the public comment draft of the TMDL, and has been corrected in the final version.*

…An ironic situation is involved with this creek. If the WWTP puts their water on the land in the summer, the creek will be dry below the plant and there will be no water to test! Where is the thinking here? Do you want water or do you want NO water?

No. 3
Page 145, subsection entitled *Target Selection*: The second sentence states " Grangeville is considering land application of its wastewater during the critical time period for excessive growth (July thru mid-September)."

Page 147, subsection entitled *Load and Wasteload Allocations*: Third paragraph, first sentence, states "The WLA for the Grangeville WWTP was established as 0 for both TP and TN, as the city has agreed to land apply effluent during the critical time period (July through mid-September)."

The sentence on Page 145 is correct, the one on Page 147 is not. (***Response:*** *Page 147 has been corrected.)* After the TMDL is finalized the City of Grangeville will complete a wastewater facility plan to determine their options and select a preferred alternative to meet the requirements outlined in their next NPDES permit and the requirements of the TMDL as incorporated into the permit. While land application is certainly an alternative that will be considered, it has not been selected as the preferred alternative. Options (e.g. treatment) that continue the wastewater treatment plant's year-round discharge to Threemile Creek will also be evaluated.

Response: *There is no intent in the TMDLs to limit the city of Grangeville's options for meeting the state water quality standards. The water quantity issue is one the city and community will have to grapple with as they evaluate options to improve water quality.*

TMDLs – Grangeville WWTP and Temperature

No. 3
Page xiii, states "Sub-basin-wide temperature analyses were conducted in light of an extensive database indicating that no stream in the SF CWR Subbasin, not even ones in

relatively pristine condition, meets the Idaho numeric temperature criteria for salmonid spawning."

and

Section 5.3 Temperature TMDLs

On pages 178 and 179, Tables 45 and 46 list the daily maximum effluent temperatures for the Grangeville wastewater treatment plant. They appear to be based on 9°C (Table 45) and 19°C (Table 46). These values are the daily average criteria for Salmonid Spawning and Cold Water Biota, respectively. It would seem more appropriate to either change the Table from "Maximum" to "Average", or recalculate the Table utilizing the daily maximum criteria from the WQ standards.

Response: *Tables 45 and 46 are intended to insure compliance with the daily average criteria for salmonid spawning. While the wasteload allocation is expressed as a "maximum daily" value, "daily discharge" is defined in 40 CFR 122.2 as "… the average measurement of the pollutant over the day…". Consequently, daily average effluent values may be used for compliance determinations, which is consistent with the use of a daily average temperature criteria.*

Per IDAPA 58.01.02.401.03.a.v, "If temperature criteria for the designated aquatic life use exceeded in the receiving waters upstream of the discharge due to natural background conditions, then Sub sections 401.03.a.iii. and 401.03.a.iv. do not apply and instead wastewater must not raise the receiving water temperatures by more than three tenths (0.3) degrees C."

However, it appears that for Tables 45 and 46 the WQ standard criteria is utilized as the stating point and no consideration is given if the stream naturally exceeds the WQ criteria. For instance, if the water temperature above the WWTP outfall is naturally 10°C (daily average) for a given day in May, and the effluent discharge is 1.0 cfs, and the Creek flow is 7 cfs, the Table lists 9.8°C as the daily maximum. In this example, it does not seem that the intent of the natural conditions provision is incorporated into the Tables. It would be more appropriate to utilize a target temperature that is 0.3°C higher than the upstream (of discharge) water temperature, measured on a daily basis, except for periods when the Creek is meeting WQ standards.

When the draft SF Clearwater TMDL was presented to the Clearwater BAG in Clarkston on July 10, 2003, the impression left from the DEQ presentation was that the State is moving away from a numeric target with respect to temperature to a narrative target (percent canopy or shading) due to the recognized problem of streams naturally exceeding the temperature standard. However, this same line of reasoning is not applied to point sources, such as wastewater treatment plant discharges. There is a good deal of cover over Threemile Creek as it moves from the base of the forested mountain area through the City to the wastewater treatment plant outfall. It therefore, seems reasonable to assume that the temperature in Threemile Creek just above the outfall pipe represents the natural temperature condition, and the wastewater treatment plant discharge target should be 0.3°C above this reading, measured on a daily basis.

Response: *Several options for determining the natural temperature of Threemile Creek were considered in drafting the TMDL, including using temperatures measured immediately upstream of the outfall, as suggested by the commentor. In reviewing land use information for the watershed upstream of the outfall, it was determined that road construction and timber harvest had occurred in the uppermost watershed, including encroachment within the riparian zone. Between the forested upper watershed and Grangeville, land use changes to a mix of residential and pasture (grazing) with at least two road crossings. While riparian vegetation (primarily hawthorne and low grass) occurs in the pasture area, grazing appears to have impacted vegetation and streambanks in this reach, which would affect stream shading and stream temperature. Threemile Creek flows through the city of Grangeville below this point, where there are numerous stream crossings and a severely altered stream channel. Given the extent of human activities within the watershed upstream of the WWTP, particularly factors within the riparian area which would affect stream temperature, the watershed and hence temperature conditions could not be considered to represent "natural conditions" for purposes of establishing a wasteload allocation for temperature for the Grangeville WWTP.*

TMDLs – Kooskia WWTP and Temperature

No. 1
The City of Kooskia will be asking for a motion by the SFC WAG to support the City of Kooskia, as to have the Regulatory Agencies to use waste load allocations for effluent temperature, based on mass balance calculations and provisions as set in Idaho Water Quality Standards and not using their best guess scenario to establish a daily maximum temperature. Where as Stites has received funding to transport their wastewater to Kooskia beginning this winter, and where as Elk City has the capacity to store their wastewater in the summer, those two communities will not be included in this motion.

Response: *The wasteload temperature allocations for Kooskia have been revised in the final TMDL to reflect recent temperature data provided by the city, which indicates that effluent temperatures reach a maximum of 26°C.*

TMDLs – Grangeville WWTP and Nutrients

No. 3
…We request that a TP target of 0.1 mg/l, converted to mass loading (lb/day), as identified in the TMDL be used to calculate a wasteload allocation for the wastewater treatment plant, not 0 mg/l as identified in the draft TMDL.

*(**Response:** Thank you. We have corrected this in the final document.)*

Page 145, subsection entitled *Target Selection*: The fifth paragraph addresses a TN target of 0.3 mg/l.

With a TP target of 0.1 mg/l, phosphorus would become the limiting nutrient, and there would not be a need for a nitrogen limit. Use of a limiting nutrient has been standard practice on other TMDLs (e.g. Paradise Creek). EPA has previously accepted that phosphorus is normally limiting in freshwater systems. At this point in time, there are treatment technologies that may reduce TP to levels in the 0.1 mg/l range, however we do not know of any to treat TN to 0.3 mg/l levels. We request that all mention of a TN target be removed from the TMDL.

Response: *Thank you for the comment. We have revised the nutrient TMDLs to eliminate the TMDL for nitrogen, and focused the TMDL on phosphorus as the limiting nutrient. The expectation is that phorphorus will be reduced to a level that will limit nuisance algal growth.*

TMDLs – Nutrients/DO

No. 1
…And nutrient/DO TMDLs are written for Three Mile Creek, where no impairment is shown. In addition, in the case of Three Mile Creek, there is no evidence that the nutrient load reductions being required of the WWTP will result in improved water quality. In fact if the city decided to land apply, water quanity during the summer will be reduced and water quality during that time period may decline.

Response: *Both phosphorus and nitrogen concentrations in the creek below the WWTP are more than 100 times the USEPA guidance concentrations. While no direct link could be shown to the beneficial uses, such high levels are a very strong indication that beneficial uses are being impaired, and in and of themselves warrant development of the nutrient TMDL. In addition, IDEQ is currently collecting 24-hour DO data to document the relation of nutrients to numeric DO concentrations in Threemile Creek. Phosphorus targets and the seasonality of their application may require adjustments in the future as additional data is collected.*

TMDLs – Bacteria

No. 1
The document also states that animal feeding operations can be significant contributions to water quality detriment. However the Lower Boise River coliform bacteria DNA testing showed that through the lower reaches of the Boise River, which flows through a predominantly agricultural area, agriculture only had 9-14% of the sources of coliform bacteria. And that wildlife, especially water fowl and avian (34.9%), and deer and elk (15.4%) were the significant contributors. Why isn't some of this type of data used to help write TMDLs?

Response: *We appreciate this comment about the possible sources of bacteria in Threemile Creek. We do not truly know the source of the bacteria, and do not have the resources to conduct the sort of research as was conducted in the Lower Boise River. The bottom line for the TMDL, however, is that bacteria levels in Threemile*

need to be reduced in order to meet water quality standards. The effects of livestock on the water quality of Threemile Creek need to be addressed for the sediment and temperature TMDLs as well as the bacteria TMDL.

TMDLs – Sediment

No. 1
As a group, we voted to take sediment off the list of problems above the Mt. Idaho Bridge. The agencies came back and told us that that was done. ONLY now sediment is listed for all the tributaries into the main South Fork, so what did we actually accomplish? The SFC WAG voted no on sediment TMDL above the Mt. Idaho Bridge.

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Vote: In favor (11) Opposed (3)

Motion on May 21, 2003, to clarify the November 20 motion:
That the tributaries as well as the main stem of the South Fork of the Clearwater be removed from the sediment TMDL, above Harpster Bridge, with the exception of Beaver Creek.
Vote: In favor (8) Opposed (2) Abstain from the vote (2)

Specifically, TMDLs are written for sediment in the main stem above Harpster where no impairment of beneficial uses is shown….

No. 5
We suggest that TMDLs for sediment be set for the streams and main stem of the SF CWR and subbasin above Harpster. Cobble embeddedness surrogate targets below 20-30% should be set in salmon rearing habitat depending on channel type. Targets should be set on reference conditions for cobble embeddedness, percent fines by depth, and pool volume. Surface fine sediment should be less than or equal to 20% in spawning areas. There should also be an objective set for an increasing trend in residual pool volume. The current proposal is not only ignoring the full scope of sediment problems in the subbasin, it is also inconsistent with the management objectives of the Nez Perce National Forest, the National Oceanic and Atmospheric Administration – Fisheries consultation for the Endangered Species Act, and designation by the state as a Special Resource Water.

Response: *These two comments bracket opinions that range from believing that no sediment TMDLs are warranted above Harpster to believing that all streams above Harpster not in pristine condition deserve sediment TMDLs (also see comments on the proposed sediment delistings above). To the best of the three agencies's (DEQ, NPT, USEPA) abilities to interpret the intent of the Clean Water Act and Idaho's water quality standards, there is agreement that that sediment from many tributaries above Harpster is accumulating in the main stem and impairing beneficial uses in*

the main stem. One must keep in mind that "impairment" is a legally defined condition and does not equal degradation or other general terms for the effects of sediment. Likewise, the opinions of the WAG are advisory; it is the legal responsibility of the agencies to identify when and where impairment occurs. Similarly, management objectives of other agencies, while perhaps providing some level of understanding of impairment, do not constitute legal definitions of impairment.

Sediment impairment in the state narrative water quality standard is defined in terms of beneficial uses. In the case of the streams above Harpster, the beneficial use in question is salmonid spawning. The sediment TMDLs for the main stem above Harpster extend the numeric 25% sediment reduction target for Stites throughout the system. Reference watershed and research data in the subbasin assessment indicate that one of the effects of sediment being added to the main stem is degraded in-stream habitat. The effects of the targeted reduction in sediment on in-stream habitat are not quantifiable, yet we agree with commentors that stream habitat needs to be improved. In the final draft of this document, we have set a surrogate target of an improving trend in river habitat. The improving trend surrogate target is set to insure that BMPs applied to the landscape actually result in improved stream habitat.

We think that the 25% sediment reduction target is conservative, and when coupled with the improving river habitat trend, will insure that the river will be returned to full support of its beneficial uses, as relates to sediment. One must remember as well that temperature TMDLs have been written for the basin as a whole, the implementation of which should result in streamside vegetative restoration throughout the basin. Such vegetative restoration will almost automatically result in a significant reduction of sediment loading to streams.

TMDLs – Temperature

No. 1
With respect to the temperature TMDLs, from the forest industry perspective, we see no need for the caveat added by EPA to the CWE temperature model. The shade targets in this TMDL pretty clearly indicate that the CWE temperature model targets by themselves are more protective than the EPA-promulgated System Potential Vegetation (SPV) targets. The forest industry developed the CWE model based on local data, which EPA apparently turned down without much data at all. The SPV data used in this TMDL is much less specific than the CWE data, and results in lower, much less well-defined targets. It's simply another case of the feds riding rough-shod over locally developed and accepted methods.

No. 5
We appreciate efforts to assess our streams and rivers, assuring citizens that our water and wildlife are not being neglected. We also appreciate efforts to restore our streams and supporting tributaries. This has impacts not only on the quality of human use and recreation,

but also on wildlife habitat. It has not gone unnoticed that temperature TMDLs were developed for all 74 water bodies in the subbasin. We commend you for that effort.

No. 7
First, I have throughout the WAG process understood that implementation of proposed improvements involves "moving towards" targets, making genuine attempts towards improving water quality. Therefore, I have no objection to temperature targets that some people consider unachievable.

Response: *Generally, the targets for the temperature TMDLs throughout this document have been set for the level of shade attainable under natural conditions, which incorporates impacts from natural disturbance processes such as fire and mass wasting. These shade targets do not represent maximum tree heights or maximum riparian vegetation density, but are intended to represent shade levels which could realistically be expected to occur given a natural disturbance process and minimal human disturbance. The modification to the CWE methodology helps insure that this level of shade will be maintained in forested zones, even though the CWE model may not indicate it. This is consistent with our goal of restoring streamside vegetation and shade throughout the subbasin to enhance both the temperature and sediment effects on water quality. The complete streamside shade restoration goal is justified by identifying shade as the most important component of stream heating that is human caused and can be managed. By focusing on the human-caused and manageable component of stream heating, and setting targets to largely eliminate those effects, this TMDL has side-stepped many of the controversial issues associated with interpreting the numeric water temperature criteria. We think this is justified given the recent change in the Idaho water quality standards allowing such an approach, and will result in significant improvements to stream temperatures throughout the subbasin.*

Implementation -- General

No. 2
The federal land management agencies have reviewed the draft South Fork Clearwater River Subbasin Assessment and TMDL and we feel that the provisions are generally implementable, with specific measures to be worked out within the implementation plan. We look forward to working with the IDEQ, EPA, NPT and WAG on development of the implementation plan.

No. 5
For some of the TMDLs, adequate plans and strategies for implementing and monitoring the TMDLs were developed. Plans to implement and monitor the TMDLs for sediment and temperature were developed. The strategy for temperature is deserving of merit. However, the sediment TMDL lacks a timeframe and provides few actual basic steps required for the implementation and monitoring of the TMDLs and reductions. Additionally, there were no indicators of progress or interim measures of success established in the assessment. These

are important in determining if implementation is effective and if reductions are being fulfilled. The TMDLs for *E. Coli* and Nutrients for Threemile Creek did not include monitoring or implementation plans. If strategies for the sediment and temperature TMDLs were developed, the same should be completed for the bacteria and nutrient TMDLs.

No. 7
I feel that perhaps the weakest aspect of upcoming TMDL implementation is provision for monitoring of progress and of support for such monitoring. Monitoring should be vigorously, consistently conducted for years to come.

No. 8
Finally, the TMDL could be improved with greater attention paid to a plan for future monitoring of stream and river conditions.

Response: *Thank you for these comments. For the final document, we have completely revised the discussion of implementation planning into one section that addresses all the TMDLs in a more-or-less integrated fashion. Considerable monitoring has been identified as a needed component of implementation.*

Implementation – Negative Effects

No. 1
The South Fork Clearwater WAG does not want to see the TMDL be utilized to apply added restrictions on any sector of the drainage.

Economic consideration: LOGGING and AGRICULTURE are the lifeblood of this county. In any decision made, these must be considered. In the South Fork drainage, these occupations must be recovered and preserved for our county to survive. It's WAY past time for the NezPerce Forest to manage this drainage and clear the dead and dying trees. The whole area at the head of this drainage will burn one of these summers and the sediment will flow thick from the blackened forest. The water temperature will soar then. We should address this issue. It must be cleaned up now but I fear it's too late.

Recreation is important to tourists as well as to those of us who live and play here. Many roads and trails are used by recreation. Road obliteration in most cases is not necessary. Each time a road is gated and a road is obliterated, recreationists are closer to being locked out of the area. Hunting, swimming, tubing, fishing, etc. are all important to our economics.

As for the roads on federal lands, one option is to decommission the roads. Many on the SF WAG do not view this alternative as favorable. Many of the listed roads to be de-commissioned are used for recreation by many Idaho County residents and visitors to the county. Also, some of the roads are completely overgrown, and are not contributing sediment to the drainage. Therefore, why disturb what has naturally grown back?

…No matter what people say, TMDLs will result in some level of restriction to private and industrial use of the land, which is not warranted without clear evidence. Especially in an

economically depressed area like Idaho County, governmental restrictions simply so bureaucrats can justify their jobs is out of order.

No. 2
The WAG letter (no. 1) refers to a list of roads to be decommissioned. There is not such a list for federal lands in the South Fork Clearwater subbasin. The South Fork Clearwater Landscape Assessment, completed by the Nez Perce National Forest in 1998, included maps showing the results of a preliminary assessment of roads that may not be needed for long term access. Before any of these roads could decommissioned, they would go through an appropriate level of NEPA analysis, including public involvement.

No. 6
At no time was a list of roads for decommissioning discussed with or given to the WAG. Road decommissioning was discussed as one of many possibilities of measures that could be taken under the implementation plan. Closing roads to motorized use either permenently or seasonally is a management tool that has and should be used when necessary for wildlife, water quality, sediment, and road bed issues. I would like to point out that NONE of these closures or decommissions lock anyone out of the forest. These areas are open 24/7 to all other uses except motorized. I frequently use, and have never had a problem using, areas behind closed roads.

No. 7
I would like to note that no list of roads for decommissioning was ever presented at a WAG meeting that I attended, and no focus whatever was given during the WAG process to the notion of decommissioning roads.

Response: *Generally, the TMDLs for nonpoint sources of pollutants will result in an implementation plan that identifies possible BMPs to address the loading targets. For nonpoint sources of pollutants, actual implementation of those BMPs is voluntary on the part of the land owner/manager. Certainly, the system provides some incentives of various kinds to ecourage implementation of the BMPs. Any possible negative effects of implementing the BMPs, however, should be weighed during the period of decision to implement. All the situations brought up in the comments above should be addressed during the implementation planning and decision to implement phases. The TMDLs themselves in this document do not prescribe any specific action.*

Implementation – Grangeville WWTP

No. 3
One potential solution for the City of Grangeville will be land application of it's WWTP effluent during part of the summer period. This will mean removal of the flow from Threemile Creek during the period of time the Creek normally has it's lowest flow levels. There is a good chance sections of the Creek will go dry depending on the time of year and/or whether the yearly precipitation levels are above or below normal. Since Grangeville gets its municipal water from groundwater wells, the flow it provides to Threemile Creek,

through the WWTP outfall, is fairly recent from a historical perspective. Obviously, in a situation like this, there is a benefit to leaving the flow in the stream, however from an economic stand point, land application may be less expensive in the long run than treatment of temperature, phosphorus and nitrogen (if left in the TMDL). Therefore, the TMDL was remiss in not considering these impacts and investigating what incremental or phased improvements the treatment plant could make that would not be as much of an economic burden to the City and would provide the benefit of flow year-round in the stream. In other words, flexibility was not built into the draft TMDL that would enable a more holistic solution to be explored.

Response: *Similar to the response above for nonpoint source pollutants, the TMDL itself does not prescribe any particular action, only the level of load reductions that are needed. However, we are also aware that in the case of point source pollutants, the TMDL leads directly to action within the NPDES permitting system. And we are aware that the NPDES permitting system has some time frames associated with it. Having said that, we think that the NPDES permitting system, including input from DEQ, has the capability to allow for incremental and/or phased improvements to the treatment plant, for example through the establishment of a compliance schedule. We encourage you to discuss this with permitting officials from USEPA and staff engineers from DEQ.*

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